

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

JUDY GAYLE FERRELL,)	
)	
Plaintiff,)	
)	
v.)	Civil No. 13-2480-JTF/tmp
)	
NEIL HARRIS and)	
PRESTIGIOUS CARRIER, INC.,)	
)	
Defendants.)	

REPORT AND RECOMMENDATION

Before the court are defendants Neil Harris and Prestigious Carrier, Inc.'s Motions to Dismiss Complaint, both filed on October 30, 2013.¹ (ECF Nos. 9 & 10.) Plaintiff Judy Gayle Ferrell filed a response in opposition on December 30, 2013. (ECF No. 13.) In their motions, the defendants move to dismiss the Title VII complaint pursuant to Fed. R. Civ. P. 12(b)(1), (2), (4), (5), and (6), on the grounds that (1) the court lacks subject matter jurisdiction because the corporate defendant does not have the statutory number of employees; (2) the complaint fails to state a claim; (3) the plaintiff's claims are barred by the one-year statute of limitations; and (4) the court lacks personal jurisdiction over defendant Harris because he has not been properly

¹See April 29, 2013 Administrative Order No. 2013-05, Standing Order Referring All Non-Prisoner *Pro Se* Cases to Magistrate Judges for Management.

served with process, or service of process was insufficient.

Local Rule 7.2(a)(1) provides that motions in civil cases must include or be accompanied by a supporting memorandum of facts and law. Defendants motions are not accompanied by a supporting memorandum. The motions themselves, each two pages in length, merely state the grounds for relief, but provide no facts or citations to law to support their motions. Moreover, the defendants provide no evidentiary support for their arguments that Prestigious Carrier does not have the statutory minimum number of employees required by 42 U.S.C. § 2000e(b) or that Harris was not properly served.

Therefore, it is recommended that the motions be denied without prejudice, for failure to comply with the Local Rules. It is further recommended that, should the court adopt this recommendation, the defendants be permitted to refile their motions to dismiss with supporting memoranda of facts and law, within thirty (30) days of the entry of the order adopting this report and recommendation.

Respectfully submitted,

s/ Tu M. Pham
TU M. PHAM
United States Magistrate Judge

January 9, 2014
Date

NOTICE

WITHIN FOURTEEN (14) DAYS AFTER BEING SERVED WITH A COPY OF THIS REPORT AND RECOMMENDED DISPOSITION, A PARTY MAY SERVE AND FILE SPECIFIC WRITTEN OBJECTIONS TO THE PROPOSED FINDINGS AND RECOMMENDATIONS. A PARTY MAY RESPOND TO ANOTHER PARTY'S OBJECTIONS WITHIN FOURTEEN (14) DAYS AFTER BEING SERVED WITH A COPY. FED. R. CIV. P. 72(b)(2). FAILURE TO FILE OBJECTIONS WITHIN FOURTEEN (14) DAYS MAY CONSTITUTE A WAIVER OF OBJECTIONS, EXCEPTIONS, AND FURTHER APPEAL.